

EXHIBIT “A”



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

BOBBY J. GOLDEN,
Plaintiff,

VERSUS

CAUSE NO: 1:06cv1006LG-JMR

HARRISON COUNTY, MISSISSIPPI;
SHERIFF GEORGE PAYNE,
OFFICIALLY AND IN HIS
INDIVIDUAL CAPACITY; LEE OATIS
JACKSON, OFFICIALLY AND IN HIS
INDIVIDUAL CAPACITY; MAJOR
DIANNE GASTON-RILEY,
OFFICIALLY AND IN HER
INDIVIDUAL CAPACITY; CAPTAIN
RICK GASTON, BOOKING
SUPERVISOR, OFFICIALLY AND IN
HIS INDIVIDUAL CAPACITY;
CAPTAIN PHILLIP TAYLOR,
OFFICIALLY AND IN HIS
INDIVIDUAL CAPACITY; JOHN DOES
1-5, OFFICIALLY AND IN THEIR
INDIVIDUAL CAPACITY,
Defendants.

DEPOSITION OF BOBBY J. GOLDEN

Taken at the offices of Dukes, Dukes, Keating & Faneca, P.A., 2909 13th Street, Sixth Floor, Gulfport, Mississippi, on Friday, February 15, 2008, beginning at 9:56 a.m.

1 incidents that you've alleged in your complaint.
2 It seems to me they're kind of broken into three
3 areas, the booking area, what I'll call the
4 juvenile incident, and then the incident regarding
5 Deputy Jackson.

6 What I'd like for you to do is kind of
7 begin with what you were doing prior to being
8 arrested on February 26th, 2007.

9 A. What do you mean what I was doing?

10 Q. What did you do on the day before you
11 were arrested?

12 A. Well, I was drunk. I got arrested for
13 domestic violence.

14 Q. Okay. But what had you been doing that
15 day?

16 A. I had went to work.

17 Q. Okay. Do you recall what day that was,
18 like the day of the week?

19 A. Friday.

20 Q. It was a Friday. So you had been at
21 work that day?

22 A. Yes.

23 Q. And then you got off work. What
24 happened after you got off work?

25 A. Well, I went to a club and started

1 drinking.

2 Q. What club did you go to?

3 A. I think it was Sammy D's back then.

4 Q. Is that in Gulfport?

5 A. Yes.

6 Q. Is it still in operation?

7 A. No. The storm.

8 Q. And so you got off work and went to
9 Sammy D's?

10 A. And went by a girlfriend's house.

11 Q. Okay. What's her name?

12 A. Nadia Cenales.

13 Q. Nadia Cenales. Could you spell Cenales?

14 A. C-e-n-a-l-e-s.

15 Q. Okay. About what time did you go over
16 there?

17 A. It was at nighttime. I guess about
18 10:00, 11:00.

19 Q. Okay. And how much had you had to drink
20 prior to that?

21 A. Probably a 12 pack or better.

22 Q. Is that what you normally drink?

23 A. Yes.

24 Q. How often do you drink a week?

25 A. It used to be every day, but I don't

1 drink no more.

2 Q. Okay. But at the time, you were
3 drinking every day?

4 A. Every day.

5 Q. At least a 12 pack?

6 A. Yes.

7 Q. So you arrived there at 10:00 or 11:00.
8 What happened next?

9 A. Me and her got in an argument, and her
10 roommate called the police.

11 Q. And what's her roommate's name?

12 A. I can't remember her full name. Her
13 last name is Cenales.

14 Q. So it's her sister or --

15 A. It's her cousin.

16 Q. Cousin. What did you get in an argument
17 over?

18 A. About another guy.

19 Q. Okay. And what's his name?

20 A. I don't even know him.

21 Q. And what was the argument over the other
22 guy?

23 A. About him being there.

24 Q. I'm sorry.

25 A. About him being there.

1 A. (Shrugging shoulders.)
2 Q. Okay. But you remember everything else?
3 A. Yes.
4 Q. Okay.
5 A. I know I wasn't laying on no ground.
6 Q. When the police arrived?
7 A. Yes.
8 Q. Did you assault Ms. Cenales?
9 MR. COOPER:
10 Objection.
11 A. Yes.
12 MR. TINER:
13 Q. Okay. But you will admit to that part
14 of this narrative?
15 A. Yes.
16 Q. Okay. Was there an Ernest Earl Phillips
17 there?
18 A. I don't even know him.
19 Q. Okay. Was there another man there?
20 A. Yes.
21 Q. Okay. Do you recall kicking a door?
22 A. No.
23 Q. Do you recall punching Ms. Cenales in
24 the face?
25 MR. COOPER:



1 Objection. Asked and answered.

2 MR. TINER:

3 Q. You can answer.

4 A. Oh, yes.

5 Q. Okay. Do you remember any struggle with
6 the gentleman that was there?

7 A. NO.

8 Q. Okay. You don't remember or it didn't
9 happen?

10 A. There wasn't no struggle.

11 Q. Okay. Do you recall defecating or
12 urinating on yourself?

13 A. No.

14 Q. Whenever the officers arrived, what
15 happened?

16 A. Well, it wasn't but one officer. He
17 came in and asked what had happened, and Nadia was
18 explaining that we had got in an argument and that
19 I had jumped on her. So that was all he needed to
20 hear, so he took -- put me in the car.

21 Q. Did he put handcuffs on you?

22 A. Yes.

23 Q. And did you threaten to kill anybody
24 while you were there?

25 A. No.

1 Q. What did he look like?

2 A. Short guy, sort of stocky.

3 Q. Was he white?

4 A. White.

5 Q. And he was in the -- behind the glass in
6 the booking area?

7 A. Yes.

8 Q. And then what happened next?

9 A. Well, I beat on the door and he kept
10 telling me, stop beating on the door.

11 Q. Had your handcuffs been removed at that
12 time?

13 A. Yes.

14 Q. Okay. What door were you beating on?

15 A. Booking room door.

16 Q. And the officer that was behind the
17 glass was next to this door?

18 A. He was like in front of it.

19 MS. BROOM:

20 All right. The booking room door, what
21 door are you talking about there? Clarify that a
22 little bit.

23 THE WITNESS:

24 The holding cell door.

25 MS. BROOM:

1 So you were in the holding cell?

2 | THE WITNESS:

3 | Yes.

4 MR. TINER:

5 Q. And you were beating from inside the
6 holding cell?

7 A. Well, not beating. Knocking on it. It
8 might have been beating to him.

9 Q. Okay. Well, if you would, describe how
10 you were knocking.

11 A. Well, I knocked like -- you know, how
12 you tap on the glass. I kept asking to use a
13 phone call. He said, like, just wait till, you
14 know, we process you. So I kept asking and kept
15 asking. So I guess it must have irritated him, so
16 he opened the door and punched me in the eye.

17 Q. Okay. This is that same officer, the
18 short guy?

19 A. The same short guy, same officer, yes.

20 MS. BROOM:

21 When you were talking to him asking to
22 use the phone, were y'all talking through the wall
23 or did he open --

24 THE WITNESS:

25 | Through the glass.

1 THE WITNESS:

2 In the shower.

3 MR. TINER:

4 Q. So he came in your cell?

5 A. Yes.

6 Q. Did he issue any commands for you to sit
7 down or, you know, stop yelling?

8 A. Just shut up and wait till we get to
9 you.

10 Q. And did you continue after he gave that
11 instruction?

12 A. Yes.

13 MR. TINER:

14 Can we take a quick break?

15 (Off the record.)

16 MR. TINER:

17 Q. Back to the booking area.

18 Now, you say that whenever you came in,
19 your handcuffs had been removed and you were
20 placed in a holding cell?

21 A. Yes.

22 Q. And then you began asking for your phone
23 call and asking what the charges were against you,
24 correct?

25 A. Correct. Yes.

1 Q. Okay. So you were acting -- what does
2 that mean to be intoxicated? Do you act
3 differently when you're intoxicated?

4 A. I possibly was a little mad, but --

5 Q. Okay. And what is "a little mad"?

6 A. I guess mad enough to wind up in jail.

7 Q. But I'm not talking about the domestic
8 violence incident. I'm talking about now that
9 we're in the booking room.

10 You said you were mad and knocking on
11 the door. But you were drunk; is that correct?

12 A. Well, I was just trying to bond out.

13 Q. But you were mad at the time, you were
14 angered?

15 A. I guess, yes.

16 MS. BROOM:

17 Did you ever make any aggressive steps
18 towards the officer?

19 THE WITNESS:

20 Oh, no.

21 MR. TINER:

22 Did you ever physically touch the
23 officer?

24 THE WITNESS:

25 No. No. I couldn't touch him because I